

Application No. 10/073,124
Reply dated July 2, 2010
Reply to Office Action of April 12, 2010

REMARKS

In the Office Action, the Examiner considered claims 1-15 as originally filed in this application. In the Reply dated February 3, 2010 ("2010 Reply"), Applicant respectfully noted for the Examiner that Applicant's Response to Office Action filed on February 25, 2003 ("2003 Response") included an amendment to claims 1, 6, and 14, and the addition of new claims 16-92. For the Examiner's convenience, Applicant presented the claims filed in the 2003 Response in the 2010 Reply. Applicant has not amended the claims since the 2003 Response. Applicant has provided in this Reply a listing of all pending claims for the Examiner's reference. Applicant respectfully requests the Examiner to consider all of the pending claims 1-92 as listed herein.

The Examiner rejected original claims 1-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,253,059 ("059 patent"); and over the claims of U.S. Patent No. 7,508,789 ("789 patent") in view of the '059 patent. Applicant is submitting concurrently with this Amendment a Terminal Disclaimer of the terminal part of any patent granted in the present application which would extend beyond the expiration of the '059 and '789 patents. Applicant submits that the obviousness-type double patenting rejection has been overcome.

In view of the foregoing remarks, it is respectfully submitted that the claims are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including

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any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: July 2, 2010

By: _____


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